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SMITH'S FOOD & DRUG CENTERS, INC.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CARLOS ESCABEDO,

Plaintiff,

vs.

SMITH'S FOOD & DRUG CENTERS, INC.,
DOE SMITH'S FOOD & DRUG CENTERS,
INC. EMPLOYEE 1; DOES 2 through 10;
ROE CORPORATIONS 1 through 10,
inclusive,

Defendants.

Case No. 2:23-cv-02031-JAD-EJY

**STIPULATION AND ORDER TO
EXTEND DATE FOR FILING RESPONSE
TO PLAINTIFF'S MOTION TO AMEND
COMPLAINT AND REMAND TO STATE
COURT**

[FIRST REQUEST]

WHEREAS Plaintiff CARLOS ESCABEDO (hereinafter "Plaintiff"), by and through his counsel of record, the law firm of BRENSKE ANDREEVSKI & KRAMETBAUER, filed his Motion to Amend Complaint and Remand to State Court on June 5, 2024 (*see* ECF No. 21);

WHEREAS Defendant SMITH'S FOOD & DRUG CENTERS, INC. (hereinafter "SMITH'S"), by and through its counsel of record, the law firm of COOPER LEVENSON, P.A., is required to file its Response to Plaintiff's Motion to Amend Complaint and Remand to State Court no later than June 19, 2024;

WHEREAS Plaintiff and SMITH'S (collectively, the "Parties"), by and through their respective counsel of record, have begun and continue to engage in settlement discussions to avoid further litigation;

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1 **WHEREAS** the Parties are awaiting a final response from Plaintiff's health insurance regarding
2 figures to include in the Parties' ongoing settlement discussions;

3 **WHEREAS** the Parties seek to avoid additional motion practice if settlement can be reached;
4 and

5 **WHEREAS** this is the First such Stipulation entered into the Parties and presented to this Court
6 regarding this motion practice:

7 **IT IS HEREBY STIPULATED AND AGREED** by and between Plaintiff and SMITH'S, by
8 and through their respective counsel of record, that the date for SMITH'S to file its Response to
9 Plaintiff's Motion to Amend Complaint and Remand to State Court be extended by twenty-one (21)
10 days, to **July 10, 2024**.

11 **IT IS SO STIPULATED.**

12 DATED this 17th day of June, 2024.

12 DATED this 17th day of June, 2024.

13 **BRENSKE ANDREEVSKI & KRAMETBAUER COOPER LEVENSON, P.A.**

14 /s/ *Scott M. Brenske*

14 /s/ *Pooja Kumar*

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23 Attorneys for Defendant
24 Smith's Food & Drug Centers, Inc.

25 **IT IS SO ORDERED.**

26 _____
27 *Rayna L. Zouchak*
28 UNITED STATES MAGISTRATE JUDGE

DATED: June 17, 2024